

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9382 OF 2018

M/s. Sudhir Power Ltd. ... Petitioner
Versus
Ramesh Patil and Ors. ... Respondents

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Mr. Ravindra V. Paranjpe for petitioner.
Mr. Suresh Mane i/b. Mr. Dinesh P.Rajbhor for respondents.

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CORAM : M. S. KARNIK, J.

DATE : 15th APRIL, 2019.

P. C.:

1. Rule. Rule is made returnable forthwith by consent of the parties and heard finally.

2. The learned counsel for the petitioner made his submissions assailing the order passed by the Industrial Court. It is the case of the petitioner-company that as there was no work available for 21 respondents at their Silvassa plant, their services came to be transferred to Jammu. The Industrial Court while allowing the application for grant of interim relief filed by the respondent employees has stayed the order of transfer of these employees from Jammu to Silvassa. Apart from the other reasons mentioned by the Industrial Court, one of the reasons mentioned by the Industrial Court is that the petitioners did not

produce any material in support of their contentions that workload at Silvassa is reduced and there is ample and adequate workload at Jammu. Considering the order passed by the Industrial Court, it was expressed that in these circumstances I see no reason to interfere with the said order.

3. Faced with this, learned counsel for petitioner, on instructions, prays that the petitioner be permitted to withdraw this petition with a liberty to make an appropriate application before the Industrial Court bringing on record the materials which have now been produced before this court in the form of affidavit pointing out the non availability of workload for the respondent at Silvassa. Learned counsel for the petitioner submits that he would make an appropriate application before the learned Member, Industrial Court bringing on record these facts. If such an application is made, it is for the Industrial Court to consider such application in accordance with law as expeditiously and preferably within four months.

4. The Writ Petition is disposed of as withdrawn.

(M. S. KARNIK, J.)